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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,490	04/02/2001	James W. Webster	560043620560	9378

7590 01/16/2004
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EXAMINER

WILKENS, JANET MARIE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,490

Applicant(s)

WEBSTER ET AL.

Examiner

Janet M. Wilkens

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6 and 9-19 is/are rejected.
- 7) ☒ Claim(s) 2, 7 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____



location of
2nd seal

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 9-11, 13, 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For claims 6 and 9, "said doors" lacks antecedent basis. Note: "door panels" was the feature claimed previously. For claim 16, it is unclear whether or not the "a side opening" and the "a front opening" are the same openings disclosed previously.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-6, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIlwraith (5,020,866) in view of Flores. McIlwraith teaches an enclosure system (Fig. 2) comprising: a frame unit (11) having front, rear, and side openings; a flange (31) bordering each of the openings; a first type of seal with a tubular and mounting portion (Fig. 5) mounted to the flanges; side panels with lips (12); and door panels (13). For claim 1, McIlwraith fails to teach a second type of seal mounted to side portions of the frame unit. Flores teaches an elongated strip seal with an

adhesive layer (142) applied between adjacent structures (This seal being different from the seal of McIlwraith). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the enclosure system of McIlwraith by adding additional seals, such as is taught by Flores, between the side portions of the frame unit and panels (see attachment A), to further prevent agents such as dirt and dust from entering into the enclosure system. Note: since McIlwraith in view of Flores teaches the structural limitations found in claim 16, the method steps therein would inherently be met. Furthermore, limitations found in "for"/intended use statements have been given no weight in the claims.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over McIlwraith (5,020,866) in view of Flores as applied to claims 1, 3-6, 12 and 16 above, and further in view of Webster. As stated above, McIlwraith in view of Flores teaches the limitations of claim 1, including an enclosure system with a frame unit. McIlwraith in view of Flores further teaches a cap panel (14) on the frame unit. For claim 14, McIlwraith in view of Flores fails to teach that the frame unit is support on a "battery" housing and a pair of skids. Webster teaches a frame unit support on a "battery" housing (18; the adjective battery being simply nomenclature) and pairs of skids (see Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the enclosure system of McIlwraith in view of Flores by adding a base, containing a housing and skids, such as is taught by Webster, to provide additional storage space in the system, to provide additional height to the system, and

to provide a means which would assist in transporting the system from one location to another.

Allowable Subject Matter

Claims 2, 7, and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9-11, 13, 15 and 17-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (703) 308-2204. The examiner can normally be reached on Monday-Thursday.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

Wilkens
January 6, 2003

JANET M. WILKENS
PRIMARY EXAMINER

AAU 3637